

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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In the Matter of)
)
The Establishment of Policies)
and Service Rules for the Mobile)
Satellite Service in the 2 GHz Band)
)
)

IB Docket No. 99-81

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

To: The Commission

Reply Comments of the Society of Broadcast Engineers, Inc.

The Society of Broadcast Engineers, Incorporated (SBE), the national association of broadcast engineers and technical communications professionals, with more than 5,000 members in the United States, hereby submits its reply comments in the above-captioned Notice of Proposed Rulemaking relating to service uplink licensing procedures for use by the Mobile Satellite Services (MSS).

I. SBE Reiterates that this Rulemaking is Premature Due to the Pendency of the Third R&O and FNPRM to ET Docket 95-18, and Other ET Rulemakings

1. First and foremost, SBE reiterates that this rulemaking is premature given the pendency of the Third Further Notice of Proposed Rulemaking (FNPRM) to ET Docket 95-18. This issuance of a "licensing procedures" rulemaking gives the appearance that the "fix is in" regarding the Docket 95-18 rulemaking. SBE has confidence that the Office of Engineering and Technology ("OET") is conducting a good faith rulemaking, but has concerns in regard to International Branch ("IB"), especially after the "dirty tricks" condoned by IB in Informal Working Group 2 ("IWG-2") dealing with 455-456 MHz MSS service and feeder uplinks. The IB representative on IWG-2 has repeatedly either suppressed or condoned the suppression of SBE comments specifically addressed to that group. SBE believes that it is inappropriate for IB to act as a proponent of MSS, as opposed to a true broker of the public interest, where the comments of all parties are considered in good faith.

2. Accordingly, SBE submits that this rulemaking must be placed on hold until the final outcome of ET Docket 95-18, ET Docket 98-206 (13 GHz "Gateway" uplinks for MSS), and ET Docket 98-142 (7 GHz MSS downlinks). To do otherwise would appear to fly in the face of the Administrative Procedures Act and the concept of fair play. Nevertheless, in the event

SBE

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IB presses ahead with this premature rulemaking, SBE wishes the record to reflect the following additional points.

II. SBE Agrees with Bell South that MSS Industry May Be Financially Incapable of Meeting Its Obligations To Incumbent 2 GHz BAS Licensees

3. SBE is gratified to read that Bell South also realizes that 2 GHz MSS is not a sure thing, in that if the MSS industry is unwilling, or unable, to pay all reasonable and prudent costs of relocating incumbent TV Broadcast Auxiliary Service ("BAS") and Local Television Transmission Service ("LTTS") licensees out of 1,990-2,025 MHz, then 2 GHz MSS will never be implemented in Region 2, regardless of International allocations permitting 2 GHz MSS. Therefore, SBE agrees with Bell South: if the Commission decides to forgo assigning MSS licenses by competitive bidding, the Commission must require MSS entities to demonstrate their financial qualifications. And, as documented by Figure 1, reproducing a feature July 15, 1999, article in the Wall Street Journal ("WSJ"), one MSS entity, Iridium, is already in serious financial difficulty. Further, the WSJ indicates that

Indeed, industry executives are increasingly concerned that other global-satellite phone systems, such as GlobalStar Telecommunications Ltd., Bermuda, and ICO Global Communications, Washington D.C., may encounter similar problems, as well as even more ambitious high-speed networks planned for the future, such as Teledesic, an "Internet in the sky" project supported by wireless tycoon Craig McCaw and Microsoft Corp. chairman Bill Gates.

"There are too many other projects at risk if the problem is with the concept and not Iridium's execution," says Timothy O'Neil, an analyst with SoundView Technology Corporation.

Therefore, SBE is not the only voice raising the issue of whether the MSS industry can fund the relocation of TV BAS incumbents, and therefore insisting on an up-front, nationwide band plan change over and payment in advance. Only then would broadcasters avoid having their futures intertwined with the financial success of the MSS industry, and with the double-whammy of having no say in the business plans and financial health of the MSS industry.

III. Broadcasters Cannot Convert To Digital Modulation in the 2, 2.5, 7 and 13 GHz Bands Until the Commission Modifies Its Rules to Permit Digital Modulation in Those Bands

4. SBE finds it ironic that while ICO Services Limited ("ICO") lauds digital modulation for TV BAS as the solution to broadcasters' loss of precious 2 GHz electronic news gathering ("ENG") spectrum, the Commission's own Rules currently only allow TV BAS stations to

employ digital modulation in the 6.5, 18, and 31 GHz TV BAS bands. While there is a pending petition for rulemaking¹ that, if adopted, would extend authority for digitally-modulated TV BAS microwave links to the 2, 2.5, 7 and 13 GHz TV BAS bands, that rulemaking is inexplicably languishing. Therefore, all of ICO's arguments about how easily broadcasters can supposedly live with less 2 GHz ENG bandwidth by "simply" converting to digital modulation are academic until the FCC Rules are amended to allow such modulation in the 2 GHz TV BAS, whatever bandwidth and band plan ultimately gets adopted.

IV. SBE Agrees That Tremendous Strides Have Been Made in Digital ENG Equipment, But It Is Not Yet a Panacea, and Even at this Late Date the Exact Frequencies and Channel Bandwidths are Still a Moving Target

5. In its now typical ploy of filing *ex parte* comments, on May 5, 1999, ICO filed such comments to the pending ET 95-18 rulemaking, some two months after the March 5, 1999, deadline for reply comments. ICO also filed those same comments to this instant IB 99-81 rulemaking. As stated in its timely-filed comments to ET Docket 95-18, SBE opposes a phased-in, pay-as-you-go, transition plan, because should the MSS industry experience financial distress before the transition is completed, broadcasters would be left in an unmanageable situation, with some markets converted to the new band plan, and some not. Further, that new band plan is still very much a moving target, with 12.0 MHz, 12.1 MHz, and 14.3 MHz wide channelization plans proposed. It is, therefore, premature and inappropriate for ICO to suggest that the Commission should place a freeze on new or modified 2 GHz TV BAS licenses. The 2 GHz ENG TV BAS band is a living, heavily-used band critical to broadcasters' obligation to provide timely coverage of man-made and natural disasters, in addition to coverage of other news and sporting events.

6. Further, although SBE agrees that digitally-modulated coded orthogonal frequency division modulation ("COFDM") signals can fit into channels substantially narrower than the present 17-MHz wide 2 GHz ENG channels, this is only true when 1) relaying standard-definition video ("SDV") programming, not high-definition video ("HDV") programming, and 2) when the increased size, weight, and power draw of the hardware presently necessary to generate digitally compressed video does not prevent its use for applications that are

¹ RM-9418 was filed by the Telecommunications Industry Association ("TIA") on March 6, 1998. Unfortunately, the Commission did not even assign a rulemaking ("RM") number and ask for public comment on the petition until February 5, 1999. SBE filed comments in response to that public notice, and observes that all of the resulting 11 comments and reply comments were favorable. Yet, as of the writing of these comments, SBE is not aware of any further action on this critically-needed rulemaking.

size/weight/power draw critical, such as point-of-view sports cameras, race car cameras, toboggan sled cameras, and similar applications now possible using miniaturized, conventional FM video analog transmitters. SBE notes that the bit rate currently required for contribution-quality HDV is in the 300 Mbps range. Of course, until Section 74.637(c) of the FCC Rules is amended to allow digital modulation in the 2, 2.5, 7, and 13 GHz TV BAS bands, the advantages of such digital modulation remain academic.²

V Summary

7. SBE reiterates that this rulemaking is premature, and gives the appearance of a prejudging of the outcome of several pending ET dockets. This rulemaking should be placed on hold pending the final outcome of those dockets. Lacking that, the Commission must ensure that broadcasters are not left holding the bag by requiring MSS entities to first pre-pay all reasonable and prudent broadcasters' costs to convert to a new and narrower 2 GHz ENG spectrum.

² Alternatively, and as suggested by SBE both in its comments to RM-9418 and to the Third FNPRM to ET Docket 95-18, the Commission could issue a public notice granting a blanket waiver to all existing TV BAS licensees, immediately allowing digital modulation so long as no interference to existing analog links is caused, and, of course, subject to the ultimate outcome of the RM-9418 rulemaking. As pointed out by SBE, there is precedent for such action, based on the "digital order" issued by the Commission allowing ITFS/MMDS "wireless cable" stations to convert to digital modulation.

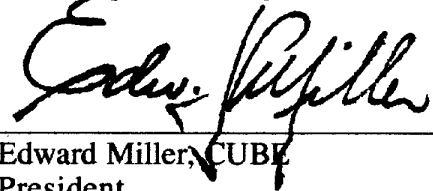
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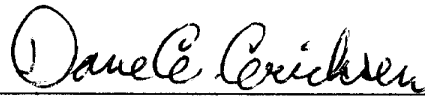

8. The following figure has been prepared as a part of these IB Docket 99-81 reply comments:

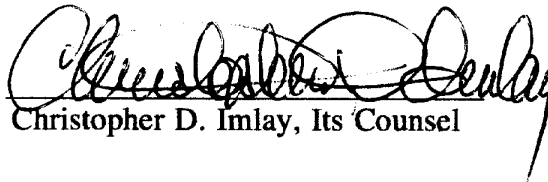
1. July 15, 1999, Wall Street Journal article documenting the financial distress of Iridium and other MSS entities.

Respectfully submitted,

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By 
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July 26, 1999

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CERTIFICATE OF SERVICE

I, Christopher D. Imlay, hereby certify that a true copy of the foregoing Reply Comments was served this 29th day of July 1999, by depositing a true copy thereof with the United States Postal Service, first-class postage prepaid, addressed to the following:

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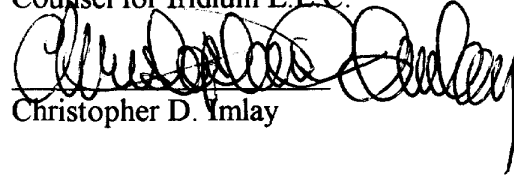
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